

HOUSE No. 1131

The Commonwealth of Massachusetts

PRESENTED BY:
Geraldo Alicea

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act authorizing the town of Southbridge to establish certain special funds.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Geraldo Alicea	6th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE TOWN OF SOUTHBRIDGE TO ESTABLISH CERTAIN SPECIAL FUNDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 **SECTION 1.** Notwithstanding section 53 of chapter 44 of the General Laws or any other
2 general or special law to the contrary, the town of Southbridge may establish a fund in
3 the town treasury, to be known as the Landfill Royalty Fund, into which shall be
4 deposited all royalty payments received from the private operator of the town owned
5 Barefoot Road Sanitary Landfill pursuant to the “Extension of Agreement for the
6 Operation of the Barefoot Road Sanitary Landfill, and Refuse and Recyclables
7 Collection, in the town of Southbridge, by and between Southbridge Recycling &
8 Disposal Park, Inc., and the town of Southbridge, dated May 29, 2007), on file with the
9 town clerk, or, if said agreement expires, is sooner superseded or otherwise becomes
10 inapplicable, then pursuant to any successor agreement with any private landfill operator
11 relative to the operation of said landfill.

12 The town council may, by majority vote, appropriate no more than 50 per cent of the
13 estimated annual landfill royalty payment to be received in any fiscal year under the
14 landfill extension agreement or other successor landfill operating agreement in order to
15 fund the operating budget of the town. The remaining 50 per cent of the estimated annual
16 landfill royalty payment and any balance remaining in the Landfill Royalty Fund may be
17 appropriated at any time by a two-thirds vote, to fund capital projects or for any lawful
18 purpose, including, but not limited to, additional funding for the town’s operating budget.
19 The town council may appropriate or transfer additional money into the Landfill Royalty
20 Fund at any time. If in any fiscal year the amounts appropriated by the town pursuant to
21 this section exceed the landfill royalty payments actually received, the town council shall
22 raise and appropriate or transfer from available funds sufficient amounts to address the
23 deficit prior to the end of that fiscal year, or the deficit shall be added to the tax levy and
24 raised by taxation in the fiscal year immediately following.

25 **SECTION 2.** Notwithstanding section 53 of chapter 44 of the General Laws or any other
26 general or special law to the contrary, the town of Southbridge may establish a fund in
27 the town treasury, to be known as the Landfill Reimbursement Fund, into which shall be
28 deposited all reimbursements and other payments, except the royalty payment referred to
29 in section 1, received under the extension agreement, any successor landfill operating
30 agreement, any landfill site assignment, or modification thereof, issued by the board of
31 health in the town of Southbridge pursuant to section 150A of chapter 111 of the General
32 Laws, or under any other agreement relative to the operation of the landfill. The town
33 council may, by majority vote, appropriate estimated reimbursements and other landfill
34 related payments to be received in any fiscal year under the landfill extension agreement,
35 any successor landfill operating agreement, any landfill site assignment, or modification
36 thereof, issued by said board of health pursuant to said section 150A, or any other
37 agreement relative to the operation of said landfill, as may be necessary to fund the
38 various activities for which such payments are made, or may appropriate said funds for
39 any other lawful purpose. If in any fiscal year the amount appropriated by the town
40 pursuant to this section exceeds the landfill reimbursement payments or other landfill-
41 related payments actually received, the town council shall raise and appropriate or
42 transfer from available funds sufficient amounts to address the deficit prior to the end of
43 that fiscal year, or the deficit shall be added to the tax levy and raised by taxation in the
44 fiscal year immediately following.

45 **SECTION 3.** The town treasurer shall be the custodian of the Landfill Royalty Fund and
46 the Landfill Reimbursement Fund and shall make a separate accounting of each special
47 fund to the town council each year no later than September 1st for the preceding fiscal
48 year ending on June 30th. Any income derived from the investment or reinvestment of
49 the special funds authorized herein shall remain with and become part of each fund.

50 **SECTION 4.** Chapter 475 of the acts of 2004 is hereby repealed.

51 **SECTION 5.** This act shall take effect upon its passage.